

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JASON BISHOP,

Plaintiff

v.

C-1-13-258

SHERIFF HAMILTON COUNTY,
et al.,

Defendants

ORDER

This matter is before the Court upon two Reports and Recommendations of the United States Magistrate Judge. The first Report and Recommendation (doc. no. 4) recommended dismissal of the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), to which the plaintiff objected (doc. no. 9) and submitted a Motion to Amend or Correct his Complaint with a tendered Amended Complaint (doc. no. 8).

The Magistrate Judge granted the Motion by Order and submitted a second Report and Recommendation (doc. no. 10) recommending plaintiff's due process and Fourth Amendment claims be dismissed with prejudice. Because plaintiff alleged in his Amended Complaint that his

legal materials and medical records were destroyed pursuant to the defendant Sheriff's policy, and he has suffered actual injury as a result, the Magistrate Judge also recommended his First Amendment claim may proceed.

Upon a *de novo* review of the record, the Court finds that the Magistrate Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by the plaintiff, this Court accepts the Recommendations as uncontroverted.

The Reports and Recommendations of the United States Magistrate Judge (doc. nos. 4 and 10) are hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Plaintiff's due process and Fourth Amendment claims are DISMISSED WITH PREJUDICE on the ground that these claims fail to state a claim upon which relief may be granted and only his First Amendment claim may proceed.

This case is RECOMMITTED to the United States Magistrate for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court